

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DWIGHT JOHNSON,)	
)	
Plaintiff(s),)	
)	
vs.)	Case No. 4:07CV1715 JCH
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant(s).)	

ORDER

This matter is before the Court on Defendant's Motion to Remand, filed May 5, 2009. (Doc. No. 21). Pursuant to 28 U.S.C. § 636, the Court referred this matter to United States Magistrate Judge Thomas C. Mummert, III, who issued a Report and Recommendation on May 14, 2009. (Doc. No. 23). Magistrate Judge Mummert recommends that the Court grant Defendant's Motion to Remand. Magistrate Judge Mummert further recommends that the Court reverse and remand this matter to the Commissioner for further proceedings, pursuant to Sentence Four of 42 U.S.C. § 405(g). Neither party has filed objections or otherwise responded to the Report and Recommendation.

After review of the entire record in this matter, the Court concurs in the Magistrate Judge's findings, and will adopt the Report and Recommendation. Accordingly, the Court will grant Defendant's Motion to Remand, and reverse and remand this matter to the Commissioner for further administrative proceedings. Specifically, the Administrative Law Judge will be directed to evaluate the record without consideration of the State agency's determination, as requested in Petitioner's Motion. (Doc. No 21, p. 2). The State agency's determination was completed by a single decision maker, who was not a medical consultant. (Id.).

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the Magistrate Judge (Doc. No. 23) is adopted and incorporated herein.

IT IS FURTHER ORDERED that Defendant's Motion to Remand (Doc. No. 21) is **GRANTED**.

IT IS FURTHER ORDERED that, pursuant to Sentence Four of 42 U.S.C. § 405(g), this matter is reversed and remanded to the Commissioner for further proceedings consistent with the Magistrate Judge's Report and Recommendation and with this Order. A separate Order of Remand shall accompany this Order.

Dated this 29th day of May, 2009.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE